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November 30, 2023

Via ECF

Hon. P. Kevin Castel
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007

Re: Sphere 3D Corp. v. Gryphon Digital Mining, Inc., 1:23-cv-02954-PKC

Dear Judge Castel:

We represent Defendant Gryphon Digital Mining, Inc. ("Gryphon") in the above-captioned matter. There are no conferences presently scheduled before the Court.

We write pursuant to Rule 3(A) of Your Honor's Individual Practices and Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure to respectfully request leave to amend its counterclaims to add a claim for breach of contract. A redline showing the proposed revisions is attached to this letter motion.

Respectfully submitted,

/s/ Dennis H. Tracey, III
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Enclosure

Hon. P. Kevin Castel

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cc: All Counsel of Record (via ECF)